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Attorneys for Plaintiff

**United States District Court
District of New Jersey**

ELIZABETH McNAIR, Administrator
Ad Prosequendum of the ESTATE OF
DARRELL SMITH; and ELIZABETH
McNAIR, Individually,

Plaintiff,

v.

STATE OF NEW JERSEY, DEPARTMENT
OF CORRECTIONS, SPECIAL
TREATMENT UNIT, ADULT DIAGNOSTIC &
TREATMENT CENTER, COMMISSIONER
MARCUS O. HICKS, in his official
and individual capacity, RAYMOND
ROYCE, in his official and
individual capacity, NEW JERSEY
DEPARTMENT OF HEALTH, RUTGERS,
THE STATE UNIVERSITY OF NEW
JERSEY, d/b/a/ RUTGERS BIOMEDICAL
& HEALTH SCIENCES, UNIVERSITY
CORRECTIONAL, ET AL.

Defendants

Civil Action No. 2:21-cv-01291

**AFFIDAVIT OF MERIT PURSUANT
TO N.J.S.A. 2A:53A-27**

STATE OF NEW YORK)

S.S.

COUNTY OF WESTCHESTER)

Frank Druse, III, PhD, MHA, RN, CEN, CPEN, CMSRN, NEA-BC, being
of age, duly sworn, hereby states under oath:

1. I am a licensed registered nurse in the states of New Jersey, New York, Pennsylvania, Connecticut, Michigan, and California.

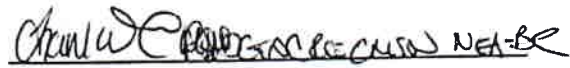
2. I am board-certified in Basic Life Support for Healthcare Providers, Advanced Cardiac Life Support, Pediatric Advanced Life Support, Emergency Nursing, Pediatric Emergency Nursing, and Legal Nurse Consulting. I devote a substantial portion of my professional time to the clinical practice of nursing which includes the nursing treatment provided here.

3. I have reviewed materials associated with the care of Darrell Smith.

4. Based on my understanding of the facts involved in the treatment rendered here, in my opinion, there exists a reasonable probability that the care, skill, or knowledge exercised and/or exhibited in the treatment, practice, or work performed by multiple healthcare professionals including: Rutgers Biomedical & Health Sciences (improperly pled as Rutgers, The State University of New Jersey d/b/a Rutgers Biomedical & Health Sciences, University Correctional Health Care, Benedicta Konamah, R.N., Balmatee Naidoo, R.N., Yvonne P. Paden, R.N., Marie Coltilde Fleurantin R.N., and Delores Guida, R.N., at the Adult Diagnostic & Treatment Center and the Special Treatment Unit at the East Jersey State Prison, fell outside acceptable customs, standards, and practice.

5. I have no financial interest in the outcome of this case.

6. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements by me are willfully false, I am subject to punishment.



Frank Druse, III

PhD, MHA, RN, CEN, CPEN, CMSRN, NEA-BC

Sworn and subscribed before me this

24 day of May, 2022



Notary

Attorney-Licensed State of ND

ID: 034762008

ERIC DAKNAR